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BY ECF

October 18, 2021

Re: *In re Nielsen Holdings plc Sec. Litig.*, 1:18-cv-07143 (JMF)

Hon. Jesse M. Furman  
United States District Judge  
United States District Court  
Thurgood Marshall  
United States Courthouse  
40 Centre Street, Room 2202  
New York, NY 10007  
Furman\_NYSDChambers@nysd.uscourts.gov

Dear Judge Furman:

We represent Nielsen Holdings plc, Dwight Mitchell Barns, Jamere Jackson, and Kelly Abcarian (collectively, “Defendants”). Pursuant to Your Honor’s Individual Rules and Practices in Civil Cases, Sections 7.B and 7.C, and Section X of the Stipulated Protective Order entered by this Court on February 18, 2021 (ECF No. 100) (the “Protective Order”), Defendants respectfully submit this letter-motion requesting to file redacted versions of Defendants’ Memorandum of Law in Opposition to Plaintiffs’ Motion for Class Certification (“Defendants’ Opposition to Class Certification”) and Exhibit J to the Declaration of Tyler A. Anger (“Anger Declaration”). Defendants further request that Exhibits G, K, and L to the Anger Declaration be filed under seal.

This letter-motion is filed at the request of third party Clarkston Capital Management (“Clarkston”). Clarkston is an investment manager to Plaintiff Monroe County Employees’ Retirement System. Exhibits G, K, and L to the Anger Declaration are documents Clarkston produced in response to Defendants’ subpoena, and Exhibit J is an excerpt of the transcript of a Clarkston deposition, all of which Clarkston designated as “Confidential” or “Highly Confidential” pursuant to the Protective Order. Defendants do not assert any interest in the confidentiality of these exhibits, but are required under Section X of the Protective Order to request that Exhibits G, K, and L be filed under seal, that references to those documents in Defendants’ Opposition to Class Certification be redacted, and that Exhibit J be redacted. Defendants informed Clarkston’s counsel prior to this filing that Defendants intended to

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include these documents as exhibits to their brief, and informed Clarkston's counsel (and provided a copy) of Your Honor's Individual Rules and Practices in Civil Cases that govern the filing of documents under seal, including the requirement that Clarkston file, within three days of Defendants' filing, a letter explaining the need to seal or redact the documents. Clarkston's counsel informed Defendants that they wish to maintain the confidentiality of these documents, and, in accordance with that request, Defendants are filing this letter-motion.

Accordingly, Defendants respectfully request that the Court permit Defendants to file their Opposition to Class Certification and Exhibit J to the Anger Declaration in redacted form and Exhibits G, K, and L to the Anger Declaration under seal, with the understanding that Clarkston's counsel will provide the Court with its substantive justification for this request within three days as Your Honor's Individual Rules provide.

We would be happy to answer any questions the Court may have.

Respectfully,

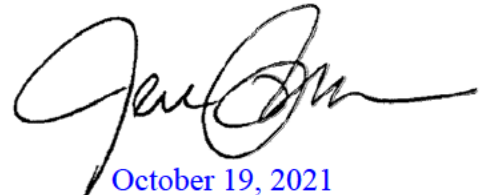
/s/ Tyler A. Anger

Tyler A. Anger

cc: *All counsel of record, via ECF*  
*Mauricio Espana (Counsel to Clarkston)*

Application GRANTED temporarily. The Court will assess whether to keep the materials at issue sealed or redacted once Clarkston Capital Management has filed its letter justifying the request. Any such letter shall be filed no later than **October 21, 2021**. No later than **October 20, 2021**, Defendants shall publicly file on ECF a copy of Defendants' Memorandum of Law in Opposition to Plaintiffs' Motion for Class Certification and Exhibit J to the Declaration of Tyler A. Anger with proposed redactions, pursuant to Rule 7(C)(iii) of the Court's Individual Rules and Practices in Civil Cases. The Clerk of Court is directed to terminate ECF No. 115.

SO ORDERED.



October 19, 2021